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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

Docket Number (Optional)

R	EJECTION OVER A PRI	OR PATENT		CELLTH 3.0-003 CONT CONT IX
In re Application of:	Raymond P. Warrell	, Jr., Pier Paolo Pa	andolfi, and Jan	ice L. Gabrilove
Application No.: 10/	758,800			
Filed: January 16,	, 2004			
	R PRODUCING ARSE NCER USING ARSEN			S AND METHODS FOR
the instant application here on the instant application, 173, as presently shortened that any patent so granted	which would extend beyond d by any terminal disclaimer I on the instant application ed. This agreement runs w	ovided below, the term d the expiration date of r, of prior Patent No. shall be enforceable of	the full statutory t 6,723,351 only for and during	100 percent interest in tutory term of any patent granted erm defined in 35 U.S.C. 154 and . The owner hereby agrees such period that it and the prior plication and is binding upon the
that would extend to the e presently shortened by an unenforceable, is found in under 37 CFR 1.321, has a	expiration date of the full st y terminal disclaimer, in the valid by a court of compete	atutory term as define e event that it later: e ent jurisdiction, is state examination certificate,	d in 35 U.S.C. 154 xpires for fallure to utonly disclaimed i is relssued, or is i	granted on the instant application and 173 of the prior patent, as pay a maintenance fee, is held in whole or terminally disclaimed in any manner terminated prior to
Check either box 1 or 2 be	elow, if appropriate.			
	s on behalf of an organization d is empowered to act on be			ty, government agency, etc.),
and belief are believed to t and the like so made are p	be true; and further that the	se statements were monment, or both, under	ade with the knowl r Section 1001 of T	statements made on information edge that willful false statements lite 18 of the United States Code issued thereon.
2. X The undersigne	d is an attorney or agent of	record.		
		Signatur	Foly	August 31, 2004  Date
			Chause D. Falau	22.074
			Shawn P. Foley - Typed or printed	
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X The Commissione Account No. 12-10	r is hereby authorized to ch 195	arge the Terminal disc	laimer fee under 37	7 CFR 1.20(d) to Deposit
	er 37 CFR 3.73(b) is require 96 may be used for making			ssignee (owner).
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## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

ACCOMON OVERAL SABING OFFICE	7.3.1.2.107.11011	CELLIN 3.0-003 CONT CONT IX				
In re Application of: Raymond P. Warrell, Jr., Pier Paolo Pandolfi, and Janice L. Gabrilove						
Application No.: 10/758,800						
Filed: January 16, 2004						
PROCESS FOR PRODUCING ARSENIC TRIOXIDE FORMULATIONS AND METHODS FOR TREATING CANCER USING ARSENIC TRIOXIDE OR MELARSOPROL						
The owner*, Memorial Sloan-Kettering Cancer Center , of 100						
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the following pending related applications:						
10/758,993 filed on January 16, 2004	10/759,313 filed on Januar					
10/758,994 filed on January 16, 2004	10/759,314 filed on January 16, 2004					
10/758,995 filed on January 16, 2004	10/759,439 filed on January 16, 2004					
10/758,996 filed on January 16, 2004	10/759,616 filed on January 16, 2004					
10/759,290 filed on January 16, 2004 10/759,291 filed on January 16, 2004	10/759,657 filed on January 16, 2004					
10/759,291 filed on January 16, 2004	10/759,716 filed on January 16, 2004 10/759,726 filed on January 16, 2004					
10/759,308 filed on January 16, 2004	10/759,882 filed on January 16, 2004					
of any patent on the above-listed pending related applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed pending related applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the above-listed pending applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.  Check either box 1 or 2 below, if appropriate.  1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
2. X The undersigned is an attorney or agent of record.	el P. 70	August 31, 2004				
· · · · · · · · ·	Signature	Date				
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Shawn P. Foley - 33,071 Typed or printed name						
i yped or printed name						
The Commissioner is hereby authorized to charge the disclaimer fee under 37 CFR 1.20(d) to						
Deposit Account No. 12-1095						
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